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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/016,765	10/22/2001	Tatsuo Kaizu	275743US6	3313
22850	7590	11/16/2005		
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER PARRY, CHRISTOPHER L	
			ART UNIT	PAPER NUMBER
			2614	
DATE MAILED: 11/16/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/016,765	<b>Applicant(s)</b> KAIZU ET AL.	
	<b>Examiner</b> Chris Parry	<b>Art Unit</b> 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 22 October 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Franco (U.S. 2002/0046407).

Regarding Claim 1, Franco teaches, an information processing apparatus, comprising, "acquisition means for acquiring control information for controlling preset recording of a program from a program information providing apparatus" by disclosing client programming device 702 or "acquisition means". Franco teaches the user 110 provides programming instructions 118 to the host system 102 through web browser 112 (¶ 63). Host system 102 transmits programming data 108 over communications link 130 to client programming device 702 or "acquisition means" (¶ 103). Franco teaches "conversion means for converting contents described in said control information acquired by said acquisition means into code information for setting said program preset recording to a recording apparatus" by disclosing the processor 706 preferably creates programming commands 710 based at least upon the received programming data 108

(¶ 104). Franco teaches "transmission means for transmitting said code information obtained by said conversion means to said recording apparatus" by disclosing the client programming device 702 programs the video recording device 750 to record broadcast content by transmitting the programming commands 710 to the video recording device 750, preferably through data port 708 (¶ 104).

As for Claim 2, France teaches, "wherein said code information is G-code" by disclosing client control module 520 is enabled with VCR-Plus technology. The programming data 108 in this case can simply be formatted as VCR-Plus codes or "G-Code" (¶ 92). Franco further teaches the client communication module 704 may be similar or identical to the client communication module 524 of the embodiment 500 illustrated in figure 5 (¶ 101). Further, VCR-Plus codes are created by an algorithm that transforms a channel and time period into a numeric code. Based upon the VCR-Plus code, the device determines the appropriate time and channel to record and records the program (also referred to herein as "content unit") identified by the code. VCR-Plus technology is available from Gemstar International Group Limited (¶ 006).

As for Claim 3, Franco teaches, "wherein said transmission means transmits said code information to said recording apparatus by use of an infrared signal" by disclosing in figure 7, data ports 708 and 752 may include both IR transmitters and receivers to support bi-directional communication (¶ 100). Further, the client programming device 702 transmits the programming commands 710 to video recording device 750, preferably through data port 708 (¶ 104).

As for Claim 4, Franco teaches, “wherein said control information includes broadcast channel information, broadcast date, broadcast start time, and recording end time of said program” by disclosing a program can be identified in any number of ways, such as, for example, by a name, by an identifier (e.g., Video Plus code or other identifier associated with a particular content unit), or by a broadcast channel, date, time, and length (CDTL). CDTL data can be obtained from widely available electronic programming guides (EPG) (§ 064).

Regarding Claim 5, Franco teaches an information processing method of “acquiring control information for controlling preset recording of a program from a program information providing apparatus” by disclosing in figure 8 in step 802, client communication module 704 receives programming data transmitted from a remote location over a communication link (§ 103). Franco teaches, “converting contents described in said control information acquired by said acquisition step into code information for setting said program preset recording to a recording apparatus” by disclosing in step 804, processor 706 creates the programming commands based upon the received programming data (§ 104). Franco teaches “transmitting said code information obtained by said conversion step to said recording apparatus” by disclosing at step 806, the client programming device 702 programs the video recording device 750 to record broadcast content by transmitting the programming commands 710 to the video recording device 750, preferably through the data port 708 (§ 104).

Regarding Claim 6, Franco teaches a program storage medium storing a computer-readable program, said program storage medium comprising the steps for

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“acquiring control information for controlling preset recording of a program from a program information providing apparatus” by disclosing in figure 8 in step 802, client communication module 704 receives programming data transmitted from a remote location over a communication link (¶ 103). Franco teaches, “converting contents described in said control information acquired by said acquisition step into code information for setting said program preset recording to a recording apparatus” by disclosing in step 804, processor 706 creates the programming commands based upon the received programming data (¶ 104). Franco teaches, “transmitting said code information obtained by said conversion step to said recording apparatus” by disclosing at step 806, the client programming device 702 programs the video recording device 750 to record broadcast content by transmitting the programming commands 710 to the video recording device 750, preferably through the data port 708 (¶ 104).

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pat. No. 5,479,267 to Hashimoto – A VCR automatically controlled by the “G Code”.

U.S. Pub. No. 2002/0151271 to Tatsuji et al. – Record programs using a mobile device

U.S. Pub. No. 2004/0019903 to Knudson et al. – An interactive program guide system is provided to facilitate recording of programs selected from the program guide.

U.S. Pat. No. 6,760,537 to Mankovitz – An apparatus and method for television program scheduling.


U.S. Pub. No. 2002/0083455 to Sato – An Internet downloaded programmable recording device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chris Parry whose telephone number is (571) 272-8328. The examiner can normally be reached on Monday through Friday, 8:30 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Examiner's Initials: CLP  
November 9, 2005

  
Patent Examiner  
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